



September 17, 1997

Food and Drug Administration
Seattle District
Pacific Region
22201 23rd Drive S.E.
P.O. Box 3012
Bothell WA 98041-3012

Telephone: 206-486-8788
Fax: 206-483-4996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

In reply refer to Warning Letter SEA 97-27

Duc Than Tran, President
Viet Wah Trading Corporation
1948 Occidental Avenue South
Seattle, Washington 98134

WARNING LETTER

Dear Mr. Tran:

The Food and Drug Administration (FDA) conducted an inspection of your food warehouse and repacking operation located at 1948 Occidental Avenue South, Seattle, Washington 98134, during the period of August 14 through 27, 1997. At the conclusion of that inspection, a meeting was held at FDA's Seattle District Office, at which time the Form FDA-483 (copy attached), was issued to Ronald D. Chan, Manager. Also present was your firm's representative Ken Longley, [REDACTED] of [REDACTED] and representatives for FDA and Washington State Department of Agriculture (WSDA).

The FDA-483 delineated a number of gross insanitary conditions present in your facility. These conditions cause products stored in your facility to be adulterated within the meaning of Section 402(a)(4), of the Food, Drug, and Cosmetic Act (the Act), in that food was being held under insanitary conditions, whereby they may have been contaminated with filth. Additionally, analysis of samples collected during the inspection revealed products were adulterated under Section 402(a)(3), of the FD&C Act, in that they consisted in whole or in part of a filthy, putrid, or decomposed substance, or were otherwise unfit for food.

The insanitary conditions observed by our investigators during the inspection included but were not limited to the following:

1. An extensive and active insect infestation.
 - a. numerous live moths and beetles observed on and in stored products including, but not limited to: Thai jasmine rice, rice cake flour, banana sheet, dried mushrooms, peanuts, salted prunes, spring roll wrappers, dry noodles, water chestnut flour.
 - b. numerous live moths and beetles throughout the warehouse.
 - c. numerous live moths and beetles in repackaging room.

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2. Rodent activity inside the warehouse.
 - a. Rodent excreta pellets observed at floor/wall junctures.
 - b. A fresh dead mouse adjacent to stored rice.

In addition to the insanitary conditions, poor employee practices were also observed as follows:

- a. Employees doing housekeeping chores and then repacking product with bare hands without washing.
- b. Employees re-packed rice containing live beetles.

The items listed above and those cited on the FDA-483 is not an all inclusive list of the problems that may exist at your facility. It is your responsibility to assure not only that the current objectionable conditions are corrected, but that adequate policies and procedures are implemented to prevent a recurrence of these problems.

Our inspection revealed you had been made aware of the current active insect infestation in your facility on several occasions by [REDACTED] and you did not follow through by taking any appropriate action to control the problem.

Our files indicate your firm has had an on-going history of insanitation dating back to 1984, when insect contaminated rice was found and subsequently seized. Insects were again found in rice inventories during a 1985 inspection, which were distributed before products were appropriately reconditioned. Your firm has a history of distributing detained/refused imported goods which have resulted in several penalty actions.

Inspections from 1986 through 1991 continued to find insanitary conditions in the form of insects, rodents, and birds. In 1991, your firm entered into a voluntary agreement with FDA to bring your firm under control. This agreement included a sanitation program which was to be implemented and followed. After entering into this voluntary agreement, our subsequent follow-up inspection again found the same insanitary conditions ongoing.

The conditions noted during the current inspection were relayed to WSDA, who concurred with our findings and placed an embargo on all infestable products currently stored in your warehouse to ensure products were not distributed.

Our current inspection has again found the same insanitary conditions throughout your facility as noted in past inspections. FDA acknowledged your request to allow for voluntary reconditioning of contaminated products and to implement a new sanitation program in lieu of a formal agency enforcement action. FDA accepted your proposed reconditioning plan and sanitation program as submitted by [REDACTED] in hope this latest effort will bring your firm into compliance.

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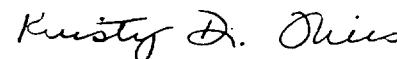
FDA is also hopeful this latest effort will be long lasting and that your facility will be maintained in a sanitary manner and that products distributed from your facility will be safe and wholesome.

FDA will be monitoring the current reconditioning efforts, as well as your ongoing efforts to come into and remain in compliance through future inspections.

This office again reminds you, as the owner, it is your responsibility to assure that your facility is operating in compliance with the applicable laws and regulations. It is your responsibility to assure not only that the current objectionable conditions are corrected, but that adequate policies and procedures are implemented to prevent a recurrence of these problems. This includes having an effective, ongoing sanitation program which eliminates the insanitary conditions which we have observed to exist in your facility. Failure to maintain your facility within compliance with the law may result in regulatory action without further notice. Such action may include seizure and/or injunction.

If you have any questions in this matter, please contact Robert L. Wesley, Compliance Officer, at 425-483-4963, any written correspondence should be sent to the Food and Drug Administration, Seattle District Office, P.O. Box 3012, Bothell, Washington, 98041-3012, Attention: Robert L. Wesley, Compliance Officer.

Sincerely yours,


for Roger L. Lowell
District Director

Enclosure:
FDA-483

cc: Ronald D. Chan, Manager
Viet Wah Trading Corporation

Mike Donovan, Program Manager Compliance
Food Safety Program, WSDA
P.O. Box 42560
Olympia, WA 98504-2560